IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 19TH MARCH 2007 / 28TH PHALGUNA 1928

WP(C).No. 9221 of 2007(W)

PETITIONER:

FR.PAUL CHITTINAPPILLY, MANAGER,
ST.MARY'S UP SCHOOL, EDATHALA P.O.,
PUKKATTUPADI.

BY ADV. SRI.DEEPU THANKAN

RESPONDENTS:

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1. STATE OF KERALA, REP. BY THE
SECRETARY TO GOVT., DEPARTMENT OF GENERAL
EDUCATION, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. DEPUTY DIRECTOR OF EDUCATION,
ERNAKULAM.

BY GOVERNMENT PLEADER SRI. A.J. VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19 /03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. BASHEER, J.

W.P.(C). NO. 9221 OF 2007

Dated this the 19th day of March, 2007

J U D G M E N T

Petitioner is the manager of an unrecognised, unaided institutions. His grievance is that he is not being permitted to conduct examinations for the students studying in Standards IV to VI in the respective school and to issue transfer certificates to them. It appears that respondent No.2 has declined the request made by the petitioner in this regard, in view of Ext.P6 order issued by the Government. This Court had occasion to consider the same issue in a batch of writ petitions (W.P.(C). No. 3341/06 and Conn. Cases). While disposing of those writ petitions, the learned Judge had recorded the submission made by the learned Advocate General, who informed the court that in this academic year the above order of the Government will not be enforced. Therefore, this Court had directed the Department to issue appropriate orders granting permission to those institutions to conduct the examination and to issue transfer certificates on

condition that such institutions undertook to abide by the statutory mandates contained in Chapter VI KER in the ensuing academic year. Petitioner in this case has placed on record an affidavit undertaking that he would abide by the statutory mandates in Chapter VI KER in the respective school from the next academic year onwards. Petitioner prays that the students in Standards IV to VI may be allowed to write the examination in his School and to issue transfer certificate to those students.

In the above facts and circumstances, the writ petition is disposed of with a direction to respondent No.2 to pass appropriate orders granting permission to the petitioner to conduct examinations for the students studying in his school in Standards IV to VI and to issue transfer certificates to them. This shall be done by the Officer concerned forthwith.

A.K. BASHEER, JUDGE

vps

KURIAN JOSEPH, JUDGE

OP NO.

JUDGMENT

21st DECEMBER, 2006